

*Town of North Andover*  
**PLANNING BOARD**

*John Simons, Chairman*  
*Lynne Rudnicki*  
*Michael Colantoni*



*David Kellogg*  
*Lora McSherry*  
*Peter Boynton*

**Tuesday June 2, 2015 @ 7 p.m. Town Hall, 120 Main Street, North Andover, MA 01845**

Present: J. Simons, L. Rudnicki, L. McSherry, D. Kellogg, Peter Boynton

Absent: M. Colantoni

Staff Present: Jean Enright, Kristine Cheetham, Bonnie Wolstromer

J. Simons, Chairman: The Planning Board meeting for Tuesday, June 2, 2015 was called to order at 7 p.m.

J. Simons thanked Jean Enright for all her help as interim planner and for her presentation at Town Meeting. J.

Simons also welcomed the new Town Planner, Kristine Cheetham.

**LOT RELEASE:**

A.75 Great Pond Road - The Glades, Tom Zahoruiko: Requests the release of lots 1-5 and to establish a bond for the roadway construction.

K. Cheetham: Presented the DPW recommended bond in the amount of \$33,000. The Notice of Decision has a couple of items conditioned you may want to consider; section 17, asking you to finalize the Decision regarding the cul-de-sac requiring an island or not and the stormwater management operations. Tom is willing to speak to those comments.

J. Simons: Are you okay with the bond amount?

K. Cheetham: Yes, the bond establishment is correct, however payment has not been made.

T Zahoruiko: We originally posted a \$5K Site Opening bond and we've completed 80% of the work. Can we credit that \$5K bond amount toward the DPW bond amount so that we don't have dual bonds?

J. Simons: Is the roadway open?

T. Zahoruiko: It's a Site Opening bond. The road has been paved and there are no additional cuts to be made in the street or disturbances to be made in the existing streets. The special condition related to stormwater management maintenance was discussed during the hearing process. It needs to be worked out through the various town depts. We agreed to define that maintenance plan prior to the first occupancy permit. It isn't a condition that's subject to, or precedent to, any particular item. It was also discussed during the hearing process that it wasn't practical to cut out a cul-de-sac island during construction (80 foot cul-de-sac vehicles, trucks, various deliveries, coming and going). We've paved that as we would normally, and I think we should look at that at some point in time.

J. Simons: I certainly don't have a problem that you did that for now, but the issue is still open that we'll have the island, eventually.

J. Simons: How do we feel about rolling the bonds together or keeping them separate?

L. Rudnicki: When they go for a release, they're going to go for a release on the DPW items. I think we should keep it separate and clean. The DPW wrote "0" for roadway, "0" for roadway excavation, etc. They didn't carry those numbers for the work you've already done. They've credited you for those already. We have the cul-de-sac and the stormwater maintenance condition that are separate from the DPW roadway bond.

T. Zahoruiko: That work is already done. We don't bond at the outset.

L. Rudnicki: But they wrote "zero" and that's what balances, so they've credited you those already.

T. Zahoruiko: Correct. That's one of the reasons we don't bond at the outset in order to get lots released. We do as much work as possible so we don't need the bond.

L. Rudnicki: So, they've already lessened the bond by the work that's already been done. We've got the cul-de-sac and the stormwater water maintenance condition.

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43 J. Simons: I think we should keep the two bonds.

44 **MOTION**: L. Rudnicki made a motion to release the lots 1-5 and to establish a cash roadway bond in proper form  
45 subject to review by the Town Planner in the amount of \$33,250.00. D. Kellogg seconded the motion. The vote  
46 was 5-0, unanimous in favor.

47  
48 **BOND RELEASE**:

49 **B. Red Gate Lane**: Rick Dallaire requests final release of bond funds for slope stabilization.

50 J. Simons: I will presume there are no issues there, correct?

51 K. Cheetham: Correct. Read the bond release condition in the Notice of Decision, "These monies, or the balance  
52 thereof, (\$15K has been released and there's \$5K remaining) will not be released until three years from the date of  
53 completion of slope construction or acceptance of the subdivision roadway by Town Meeting, whichever comes  
54 first." Town Meeting accepted the roadway in May of 2013. You released the \$15K in 2012. I recommend the  
55 release of the remaining bond.

56 **MOTION**: D. Kellogg made a motion to release the remaining bond for Redgate Lane in the amount of \$5K. L.  
57 Rudnicki seconded the motion. The vote was 5-0, unanimous in favor.

58  
59 **PUBLIC MEETING**:

60 **C. CONTINUED 602 Boxford Street (Map 105C Lot 22)**: Messina Development Corp. proposes a 7-lot  
61 Preliminary Subdivision Plan for a Planned Residential Development on an 18 acre +/- parcel of land in the R-1  
62 zoning district.

63 P. Christiansen: The subdivision location is on Boxford Street between Duncan Drive and Brookview Drive. We  
64 did a Proof plan showing 7 lots. We are proposing a 7-lot cluster subdivision. Out of the 18 acres, 12 acres will be  
65 left as Open Space. Lots are a minimum of 25,000 square feet as required by zoning, some are bigger. The  
66 subdivision will be country drainage with LID type design. There's one issue that we don't meet the requirements  
67 of the PRD and that's the 50' Buffer Zone which is shown as abutting Brookview's Open Space. We are asking  
68 for a waiver to build two septic systems there. Water will be brought from Brookview Drive along Boxford Street  
69 to the lots. The water line will be brought up this summer.

70 J. Simons: Will you do the Definitive?

71 P. Christiansen: Yes, I wanted to wait to see if there were any drastic changes as a result of this meeting.

72 L. Rudnicki: What is the waiver for street length?

73 P. Christiansen: The plan shows 700 feet.

74 J. Simons: We set the Planning Board rules and regulations at 500 ft. but we do grant waivers, in this case it's  
75 shorter than it would be if it were Conventional. The problem is you can't connect to the next property line. I  
76 don't see it as a big issue. If we were going out 2-2,500 ft. we might say that's not possible.

77 K. Cheetham: I placed a draft Decision in your packets. You may want to add as a Condition that the revised plans  
78 for the Definitive Subdivision incorporate comments from the two letters from engineering (dated April 13 & 16  
79 of this year).

80 J. Simons: Ten to fifteen years ago, when we had quite a few subdivisions in town, we had a lot of Preliminary's.  
81 Sometimes they were done to get a zoning window, and now they're primarily done for the purpose they were  
82 intended to, which is for you to get some feedback without incurring a lot of costs. We may have to go one step  
83 deeper in terms of working with the BOH on approval of the septic systems and that it's okay. We need a letter  
84 from them in our files, and assurance from them that the septic plans will work.

85 L. Rudnicki: Were there any trails that would connect with the other adjoining Open Space property?

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P. Christiansen: I don't know that there are any trails. There's a lot of wetland. There will be access from Boxford Street.

J. Simons: You might want to show this to Conservation and talk with Jennifer. This is something we will address more deeply during the Definitive Plan review. What type of form do you want the Open Space to be?

P. Christiansen: We prefer to donate it to the Town rather than keep it. Another reason for the Preliminary, was that it used to be the filing fees were less for the Definitive, if you filed the Preliminary?

J. Simons: It's actually not a bad idea. We haven't adjusted the Planning Board rules and regulations in a number of years and we should consult on that.

Draft Decision was reviewed.

J. Simons: I do like the binding nature in this paragraph even though the Preliminary indicates our direction, there may be things in the Definitive Plan that cause us to go in a different direction.

J. Simons: Can you add to the Findings of Fact – a few items we discussed, i.e. alternative layouts and designs, mention they shared a Proof plan, justifying 7 lots and perhaps the path for the Open Space, document things in a little more detail.

L. Rudnicki: Phil, have you changed the name on the plans from Autumn Woods?

P. Christiansen: Yes. The plan title changed to Wellington Woods.

L. Rudnicki: We can then reference the new date on the plan and the new name.

**MOTION**: D. Kellogg made a motion to approve the Preliminary Subdivision Plan and Decision as amended. L. Rudnicki seconded the motion. The vote was 5-0, unanimous in favor.

**D. 1665 Great Pond Road (Map 62 Lots 12 & 19):** Request for Waiver of Watershed Special Permit (Lot 19) Technical Training Foundation. Request for Extension of Watershed Special Permit (Lot 12) by Suzanne Wright & Steve Feldman

Glen Saba: of Century Builders, I am the authorized representative to the owners of the property at 1665 Great Pond Road (also what we believe to be, 1661 GPR) also referred to as Lots 19 & 12. This property was subdivided and the lots were created in 1966. It has been family owned and continues to be, although the property was transferred into a foundation the Technical Training Foundation Trust. The family wishes to develop the property so that the owners can put the proceeds into the trust.

J. Simons: Where is this location again? There's one house there now?

J. Enright: It has been brought down to the wood frame. The abutting lot is a Form A lot that received a Watershed Special Permit (WSP) to construct a single family house.

G. Saba: They received a WSP for the vacant lot (B).

J. Simons: (B) is the vacant lot and it's a one acre lot because it's an old lot. It's not a two acre lot. Refresh me, Jean, was there something dicey from an engineering perspective, as I recall?

J. Enright: The vacant lot was originally permitted for a single family home. The Watershed Special Permit was received two years ago and I believe they are here to ask for an extension for that vacant lot that has not been constructed. The associated bond has been filed with the Planning Department; however, construction has not started. The existing house was not part of this WSP. A demo permit was issued by the Building Department for the existing home. The contractor is now requesting a WSP waiver to demo the entire home down to the foundation.

J. Simons: The fact that this is in a trust is irrelevant and not our business. You want an extension for the permit for the one lot and for us to grant a waiver for the WSP permit on the existing structure.

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G. Saba: Yes. There was a permit to raze granted on this property that I'm seeking a Waiver for. I was hired to do the work in July of 2014. We brought it down to the studs and then it sat because the structure isn't sound. We just want to bring it to the foundation. We aren't altering anything other than finishing the demo. We want to bring it to the foundation, finish the demo and finish it as our drawings show (Referenced Town Bylaws Section 4.136). The structure exists, we are not expanding the existing footprint, we aren't disturbing existing topography or doing any grading.

J. Simons: You're not going to do any grading to do this? Is the square footage exactly the same? You've got to bring trucks in, deal with erosion control, etc. There's no way you can do this without doing any grading, you've got erosion control, you've got to go to Conservation, too? You aren't showing us anything here, there's no information here.

K. Cheetham: The demo permit was issued on May 5, 2014. It was for demolition of the house, and the landscaping and included a new landscape plan it was signed off on by Conservation as being outside of their jurisdiction. It was not signed off by Planning at the time. This building permit for demolition was signed off on a year ago. The foundation remains and he wants to build on the foundation.

P. Boynton: The house structure is still there, it's been gutted, it is not just a foundation. There's studs, walls, a roof and all window openings are open to the environment.

G. Saba: We want to get rid of all that old rotted, exposed wood, finish the demo process which is a fourth of the work that's already been done and bring the entire structure up to code to finish it. This is all we are looking to do.

L. Rudnicki: Unfortunately, you'll have to bring it up to date to meet the current Watershed Special Permit requirements. You are rebuilding a new house. You may have stormwater management issues to deal with because you are not grandfathered anymore- you're razing the structure. If someone builds a deck they have to go for a Watershed Special Permit.

P. Boynton: I thought that this also included that it was no expansion in size, except for the addition of deck?

G. Saba: The permit was pulled sir and you are absolutely correct. When the permit was pulled, perhaps because of the shuffling of planners, the Planner never signed off on it for some reason and the Building Inspector, Gerry Brown caught this- I was trying to pull a building permit. The permit to raze is already in place. I understand your concern, but this has already been discussed. I disagree with you, this is an existing structure. There's a provision under your Bylaw and you're saying it doesn't apply?

J. Simons: It has not been discussed here. This is our jurisdiction.

G. Saba: I understand, but I beg to differ. This is an existing structure. We're not increasing the size of it.

J. Simons: As Lynn said, what if you change the slope of the roofline, where's the drainage going to go, what type of drywells are you going to have? Remember, this is our worst spot, right on the lake. This is serious business. All you have is a picture of something.

G. Saba: I understand the sensitivity of it. When we did the demolition, there's erosion control in place. I would need to meet with Kristine on site to review further erosion control.

L. Rudnicki: That's not her expertise, that's out of her control. That's why we have our outside consultants review the engineering. It's considered a new home.

G. Saba: May I ask the Board, if we left that structure the way it is, are we all set with that?

J. Simons: You are caught in a little bit of a dilemma. We'll work quickly, but we think you'll have to come in for a Special Permit.

G. Saba: No matter what, at this point? It's unfortunate, that only delays that project even further. This has been signed off and we're in the middle of the project.

J. Simons: How is that our problem?



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- 171 L. Rudnicki: You were to raze it, but not to rebuild it, correct?
- 172 G. Saba: No, it was ongoing, there was a checklist there, you can't have a permit to build until you finish the
- 173 procedure to raze?
- 174 L. McSherry: This never came before us, we've never seen it.
- 175 J. Simons: Let's break this into two pieces. We can extend the Watershed Special Permit for the other lot for
- 176 another year. It's still the same proposal.
- 177 P. Boynton: I'm not clear, for that location, where are the No Disturb zones, relative to this?
- 178 K. Cheetham: The plans before you (Lot 12) the vacant lot with the Watershed Permit in place that's due to expire,
- 179 there are some No Disturb markers shown on that plan.
- 180 P. Boynton: So, it's inside the 250', but it's an existing lot.
- 181 J. Simons: I'm okay with our original approval. If you did work a year ago, or nine months ago it would be fine.
- 182 The slope wasn't as bad as some of the other ones. They are in the Non-Discharge zone, but they've stayed away
- 183 from the 250' from the structure.
- 184 L. McSherry: How are the two properties going to interrelate? Is it family ownership? Are they separate lots or
- 185 merged?
- 186 G. Saba: They have been separate lots since 1966. They are owned by the same person. There was a variance
- 187 created and granted in 1966 to create the two lots, it's not grandfathered.
- 188 K. Cheetham: The assessor's map has them as Lot 12 (vacant) and Lot 19 (foundation on it), they're two different
- 189 taxable lots.
- 190 Michael Rosen, Attorney: This went before the Zoning Board of Appeals. The lot line and the variance that were
- 191 created, predated the adoption of the zoning and in 1966 the way that the law read, "Once created, that's not
- 192 revoked", they were created as a subdivision. They were split, their plan was approved and recorded, the vote was
- 193 approved so, the fact that it was done, then the laws actually changed in the 1970's. If this had occurred after the
- 194 1970's, it would have remerged, but because this occurred in 1966, before 1974, it was allowed to stay. As an
- 195 abundance of caution, I appeared with Bill McLeod who was the engineer who did this work as well, we took it to
- 196 Zoning and Zoning actually confirmed it.
- 197 L. McSherry: There was a subdivision in court?
- 198 J. Simons: It's an okay lot – we approved it. The question is whether we want to extend it for a year.
- 199 P. Boynton: My understanding of the geography is that the existing house is the house closer to Great Pond Road
- 200 and the vacant lot is set further in back of the existing lot. What's the access to Great Pond Road and where is that
- 201 driveway? It goes to the east of the existing house. That must be fairly close to the reconstruction of Rea's Pond
- 202 Pumping Station. That clearance has been determined as adequate?
- 203 K. Cheetham: It was in your packets from your previous Decision.
- 204 P. Boynton: How does this access driveway relate to the Pumping Station?
- 205 J. Simons: It's got to be at least 100' away?
- 206 L. Rudnicki: I thought that pea stone check dams were supposed to be 20' on center and these plans show 40' on
- 207 center. I thought we had changed that to twenty feet. Can you check the minutes?
- 208 J. Simons: I think we should look at the Decision that we made to see if it's still applicable given the current
- 209 circumstances and that the current plan reflects what we approved. We should make a site visit and physically take
- 210 a look at the site.
- 211 L. McSherry: The Pumping Station parking lot is right there. I think we need to look at this plan to see if we need
- 212 to revisit it.
- 213 P. Boynton: Do we have a photo of the existing structure?

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G. Saba: Yes, I have one.

J. Simons: The sentiment is that the request for the extension of the Special Permit will hold over until the next meeting. We will take a look at the Decision in order to extend the permit for the vacant lot and visit the site to see if there's anything we need to change. We have time based upon the original Decision which expires on July 2<sup>nd</sup> 2015.

L. McSherry: I would like to confirm the two lots that were supposedly subdivided in 1966 and I would like to determine that it isn't in fact one merged lot. I think this is important and it needs verification. I'm just very curious.

**MOTION**: L. Rudnicki made a motion to continue (Lot 12) until next meeting in order to visit the site and revisit the Decision in order to determine if the changes we noted are adopted and there's no new conditions and. L. McSherry seconded the motion. The vote was unanimous in favor.

**MOTION**: L. Rudnicki made a motion to deny the waiver of a WSP for (Lot 19) at 1665/1661 Great Pond Road. L. McSherry seconded the motion. The vote was 5-0 unanimous in favor.

**PUBLIC HEARING:**

**E. CONTINUED- 1600 Osgood Street (Map 34 Lot 17):** Application for OSGOD Special Permit. Applicant OSGOOD Solar LLC seeks to construct rooftop and parking canopy-mounted solar photovoltaic system, 6MW. Applicant proposes 5,500 rooftop mounted solar modules and approximately 14,000 carport canopy mounted solar modules on approximately 21 rows of structures that are approximately 150' – 630' long and 39' wide. The project is within the Industrial 2 Zone (I2) and in the OSGOD Smart Growth Overlay District.

K. Cheetham: The applicant has filed an appeal of the Building Inspector's decision. That is scheduled to appear before the Zoning Board of Appeals on June 23, 2015. You have received correspondence from your Town Attorney about this project and the fact that it's going through an appeal and that it's before you. I believe that correspondence recommended that if he withdrew without prejudice that would be okay.

J. Simons: I need to talk to him again, because I don't think he had the full context when the question was asked of him.

K. Cheetham: Procedurally, if the Zoning Board decides that the application is okay, if they withdraw without prejudice they can resubmit the application the way they submitted it. If the Zoning Board gives them advice to apply some other way they can still apply that way if they've withdrawn without prejudice. If their withdrawal is denied due to repetitive petition they cannot come back before your Board for this kind of permit for two years. So, it is to the benefit of the client to withdraw and leave their options open and for your Zoning Board to examine their Bylaws to determine if there is a way to permit this in the community. That is my recommendation and that is what I saw in the language from your Town Council.

J. Simons: I think maybe we need to talk about the merits of this first and what people think of this, presuming it's before us in our jurisdiction because it's a special permit it's not an as of right use. The Board needs to make a decision as to what we are going to do by the next Planning Board meeting. I suggest we carry this over to the next Planning Board meeting in order to allow us to consult with Town Council for clarification.

M. Rosen: Honestly, I think the issue of withdrawal is probably more pertinent before we open a hearing and actually start discussing the merits of the case. The withdrawal has been requested and I think one of the reasons for the withdrawal is the fact was that this was noticed as a Special Permit and in fact it is not a Special Permit application, it is a Plan Approval application.

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J. Simons: You just introduced another variable which we'll have to check. The consensus of the Board with little exception is that we're not big fans on the merits of the project and we'd like to go back to Town Council and get clarification of his recommendation.

M. Rosen: If that is your preference then my suggestion is we continue tonight's hearing to give you that opportunity. That would be acceptable. When will that next hearing be?

K. Cheetham: This Planning Board will meet on June 16, 2015. This is prior to the next Zoning Board of Appeals meeting.

J. Simons: We as a Board are going to make a decision at our next meeting, June 16, 2015.

M. Rosen: As you go to Town Council and request the withdrawal, I would point out one thing, when you ask his opinion about whether he thinks it's appropriate to allow the withdrawal or not, under MA law a withdrawal before public notice is absolutely allowed and the consent of the Board is not required. A withdrawal after public notice requires the consent of the Board.

J. Simons: Why?

M. Rosen: The hearing.

L. McSherry: We have that.

M. Rosen: No, you do not. You have a notice of a public hearing for a Special Permit application. We do not have a Special Permit application. We have an application for a Plan Approval which is one of the reasons we specifically asked to withdraw, because the notice is defective. Technically, the notice for this hearing has not been posted and therefore one of our concerns is that we believe we have the right to withdraw without prejudice and without approval. We asked for plan approval, we didn't get plan approval and one concern we legitimately have is, if you gave us our approval, but it was posted incorrectly, then our approval would be defective because it wasn't posted as a Public Hearing for a Plan Approval. With everything else aside, that was the impetus for asking for the withdrawal because we're still going to have to come back to you whether it's allowed as a use under Zoning or not allowed, for Plan Approval. We'll present to you, you'll have jurisdiction over our application, no matter what the ZBA says or anyone else says, we'll have to show you what we are building and you as a Board will have the full and fair opportunity to render your opinion on whether or not we've designed something that is appropriate for this district.

J. Simons: We'll carry this over to the next meeting.

**DISCUSSION & STAFF BRIEFING:**

**F. 1211 Osgood Street, Harry Kanellos**: Proposed Pizza/Sub business

K. Cheetham: 1211 Osgood Street is formerly the location of McLay's Florist. Harry Kanellos is here to speak on his own behalf.

H. Kanellos: I'm the owner of 1211 Osgood Street. The bakery has gone out of business and I'm interested in operating a roast beef and pizza take-out business only, with limited seating. The Thai food restaurant is going forward with their fit-up and they're not complete yet.

J. Simons: What is the parking requirement? We went through all sorts of parking issues with the last project.

K. Cheetham: Unit 1, Bakery and Retail gross floor area is 2,036 sq. ft., parking spaces required = 10. Parking is provided on site. People arrive, make their purchase and they leave and the use is the same as the bakery. It's the same kind of operation and it has the same usage and parking requirements.

L. Rudnicki: How many seats are you going to have in the restaurant?

H. Kanellos: I'm not asking for more than twenty.

L. Rudnicki: Okay, so it's not the same type of operation as the bakery then.

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299 K. Cheetham: No. A restaurant is a place where people sit down for a half hour to forty five minutes and their car  
300 stays parked.

301 H. Kanellos: The previous owner had four tables inside (at least three chairs per table) and two to three tables  
302 outside. I'm not looking to add any extra seating and would ask for the same parking- ten parking spaces. I'll  
303 have four to five employees, more employees during the day, fewer at night, I'm guessing I'll have a better lunch  
304 business than dinner, hours of operation would be 10-9 (Bakery was open 10-5).

305 L. Rudnicki: That was one of the time periods that the bakery was closed. That was the number they used in their  
306 ratio saying they will not have business after 5 p.m. at the bakery, so we gave the waiver to the Thai restaurant.

307 J. Simons: Part of the problem with these sorts of things is you never know until you actually do it and if there's a  
308 problem you figure out how to mitigate it. Hypothetically, if it creates a problem-what would you do?

309 H. Kanellos: I would like to see if I could purchase a piece of property from the Barker estate. The previous  
310 owner told me there is a small strip in front of the Barker Farm that Mr. Barker has the first right of refusal to, 12  
311 or 15K sq. ft. that the state owns. I might try to acquire that or reduce my overall table count to 15.

312 J. Simons: Can you park your employees someplace else?

313 H. Kanellos: There is some parking out back.

314 L. Rudnicki: We had a fair amount of neighbors at the last meeting because there were concerns over trash. They  
315 were keeping trash back there and trash was piling up behind the property. Were the under plantings ever done  
316 along the whole back side? Isn't the property owner responsible?

317 H. Kanellos: That was on the Thai end of the restaurant. That was in their Decision with you.

318 L. McSherry: You bought the whole strip mall? I think that the plantings were supposed to be done by the  
319 previous owner of the strip mall.

320 L. Rudnicki: The Decision follows the property ownership. It's between owner and the tenant not the Planning  
321 Board and the owner of the property.

322 H. Kanellos: The backside is filled with pine trees with low branches. I don't understand. Flowers wouldn't serve  
323 as a buffer?

324 P. Boynton: I'm not clear on the interaction between this and the action we took earlier. Particularly, the  
325 difference in the hours 5-9 p.m. that was part of the basis we made the earlier Decision on.

326 J. Enright: Follow-up parking studies were conditioned in the earlier Decision. The proposed Thai restaurant has  
327 not yet opened. The first parking study was due in April. That will have to be re-scheduled once the restaurant  
328 opens.

329 J. Simons: Parking studies probably should be done after occupancy.

330 L. McSherry: I think they need to come before us for further review.

331 H. Kanellos: The previous owner served sandwiches, she had dinners, she served pizza, she did catering, the only  
332 difference is that I'm asking for four more hours of business.

333 L. McSherry: With all due respect, there weren't a lot of tables in the bakery, it was primarily bakery cases. There  
334 wasn't hardly any room for tables. It is different. I'm not against opening a business. The parking is a huge issue  
335 seating, etc. and I think the neighbors need to have their say primarily with regard to parking and traffic. There  
336 were a lot of neighbors that showed.

337 H. Kanellos: There were two tables in front of the counter and two tables in front of the windows, and two tables  
338 outside.

339 L. Rudnicki: Can we do a modification of the existing Special Permit?

340 J. Simons: I want to be fair. I think perhaps we can consider a modification of a Special Permit and notice the  
341 neighbors. We aren't trying to be difficult. What information do we need that we don't have?



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342 H. Kanellos: The full liquor license at the other restaurant probably raised concern.

343 J. Simons: We want to work with you but we will modify the existing Special Permit.

344 D. Kellogg: Didn't we do a modification of a Special Permit already? Didn't the first Special Permit say you  
345 cannot have a restaurant in the strip mall at all?

346 J. Enright: That was a modification of the original Special Permit. The Thai restaurant was a second  
347 modification and this would be a third.

348 J. Simons: It'll be better for you long term because the people that live in the neighborhood will see the work up  
349 front. Work with Kristine and she'll tell you what you need to do.

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353 G. Planning Board Membership & Signature Page for Registry

354 Kristine: An authorization memo will be prepared for the first meeting in July. By then any resignation,  
355 appointment, and re-appointments of Board members should be complete. Meanwhile, Jean will continue to sign  
356 anything we need signed because that is on record with the Registry.

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358 H. 1116 Great Pond Road:

359 K. Cheetham: This was an outstanding Watershed violation which received an enforcement order from  
360 Conservation and they are working toward a resolution with regard to suspicious clearing. They have submitted a  
361 landscape plan listing a lot of native vegetation.

362 P. Boynton: I'm not sure what our role is with respect to that plan?

363 J. Simons: Technically, I view Conservation as our agent in this case because we really do have the primary  
364 jurisdiction, but they can help us with the mechanics of this.

365 P. Boynton: The clear cutting there involved 11-18 mature trees. If the plantings are native bushes it's not the  
366 equivalent. How does that address the large trees if the plan replaces them with shrubbery?

367 J. Simons: Is the best thing for the lake putting more trees up or something else? What is a reasonable remediation  
368 plan? I think this was a microburst storm that uprooted the original trees.

369 P. Boynton: We should know what is best? My concern is what is best for the watershed and the lake. What if one  
370 owner sees someone clear cut and there is no consequence. I see it happening on the lake and I have since passed  
371 this information on to Conservation.

372 K. Cheetham: Replanting is usually a two to one ratio value.

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376 MINUTES APPROVAL

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378 MOTION: L. Rudnicki made a motion to approve the May 5, 2015 and May 19, 2015 meeting minutes. D.  
379 Kellogg seconded the motion. The vote was 5-0 unanimous in favor.

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382 ADJOURNMENT

383 MOTION: P. Boynton made a motion to adjourn the meeting, L. Rudnicki seconded the motion. The vote was 5-0,  
384 unanimous in favor. Meeting adjourned @ 8:30 p.m.

*Town of North Andover*  
**PLANNING BOARD**

*John Simons, Chairman*  
*Lynne Rudnicki*  
*Michael Colantoni*



*David Kellogg*  
*Lora McSherry*  
*Peter Boynton*

MEETING MATERIALS:

Meeting Agenda 6.2.2015; DRAFT Meeting Minutes 5.19.2015 (Town Meeting); DRAFT Meeting Minutes 5.5.2015; 1600 Osgood Street OSGOD SOLAR, LLC: 1600 Osgood Solar LLC: 1600 Osgood (2) Applicant Request for Withdrawal without Prejudice, 1600 Osgood 150324 G. Brown determination letter, 1600 Osgood Applicant Request for Withdrawal without Prejudice, 1600 Osgood Application for Appeal, 1600 Osgood email Request for I2 Zoning, 1600 Osgood G. Brown response email RE Request for I2 Zoning Determination for Osgood Solar, 1600 Osgood Legal Ad Osgood Solar Project, 1600 Osgood Letter to Building Commissioner for I2 Filing, 1600 Osgood OSGOD Application, 1600 Osgood Continuance Request; 602 Boxford St. Wellington Woods PRD: Autumn Woods G. Willis Comments, Autumn Woods Locus, Autumn Woods Preliminary Conventional Subdivision Plan, Autumn Woods Preliminary Plan Decision, Autumn Woods T. Willett Comments, PRD 1, PRD 2, PRD 3, PRD 4, PRD 5, PRD 6; 1116 Great Pond Road: 1116 GPR Locus, 1116 GPR Photo 2 disturbed area, 1116 GPR Photo 3; 1665 Great Pond Road: 1665 Suzanne Authorization, WSP Decision Map 62 Lot 12 7.2.13, WSP Waiver Map 62 Lot 19, Great Pond House Plan; The Glade: The Glade Definitive Subdivision Decision DRAFT, Lot Release Form J, DPW Bond Amount; 1211 Osgood Street: Site Plan 1211 Osgood, SPR Modification for Restaurant